

1 Amend 2 Cal. Code Regs. section 18531.5 as follows:

2
3 **§ 18531.5. Recall Elections.**
4

5 (a) Definitions. For purposes of this section:

6 (1) “Target officer” means an elected officer who is the subject of a recall effort.

7 (2) “Replacement candidate” means a candidate within the meaning of

8 Government Code section 82007 who is running to replace a target officer in the event
9 the recall is successful and who is on the same ballot as the recall measure.

10 (b) Application of Contribution and Voluntary Expenditure Limits to State
11 Recalls.

12 (1) Target Officer. Pursuant to Government Code section 85315, the contribution
13 limits of Chapter 5 of the Act do not apply to contributions accepted by an elected state
14 officer who is the target of a recall into a separate recall committee established to oppose
15 the qualification of the recall measure or the recall election. Pursuant to Government
16 Code section 85315, the voluntary expenditure limits of the Act do not apply to
17 expenditures made by an elected state officer who is the target of a recall to oppose the
18 qualification of the recall measure or the recall election.

19 (2) Replacement Candidates. The replacement candidates in a state recall
20 election are seeking elective state office and therefore the contribution and voluntary
21 expenditure limits of Chapter 5 of the Act apply to replacement candidates.

22 (3) Committees Primarily Formed to Support or Oppose a Recall. A recall is
23 included within the definition of a “measure” in Government Code section 82043.

24 Therefore, **[Decision 1: except as provided in this subdivision,** the contribution and
25 voluntary expenditure limits of Chapter 5 of the Act do not apply to a committee

1 primarily formed to support or oppose a recall. [As to candidate-controlled recall
2 committees, the provisions of California Code of Regulations, Title 2, Section [18530.9]
3 **and/or [18531.10] apply.]**

4 (c) Committee Formation and Campaign Report Filing Obligations. All
5 candidates and committees that raise and spend funds in connection with a recall have
6 full reporting and disclosure obligations under Chapters 4 and 5 of the Political Reform
7 Act.

8 (1) Target Officer. A target officer may use a committee for the office held to
9 oppose the recall. A target officer may also establish a separate committee to oppose a
10 recall upon receiving a notice of intent to recall the officer pursuant to Elections Code
11 section 11021. A target officer must deposit contributions accepted in the separate
12 committee to oppose the recall in a single bank account at a financial institution located
13 in the State of California which is separate from any other bank account held by the
14 officer, including any campaign bank account. The word “recall” and the name of the
15 target officer shall be included as part of the committee name in the statement of
16 organization filed for the committee pursuant to Government Code section 84107.

17 A target officer opposing a recall is not required to file a new statement of
18 intention to be a candidate for elective office pursuant to Government Code section
19 85200.

20 (2) Replacement Candidate. A replacement candidate may establish a committee
21 to seek elective office in a recall election. A replacement candidate must disclose all
22 contributions received and expenditures made pursuing elective office, even if the target
23 officer has not yet been served with notice of intent to recall. A replacement candidate is

1 required to file a statement of intention to be a candidate for elective office pursuant to
2 Government Code section 85200.

3 (3) Committees Primarily Formed to Support or Oppose a Recall (Including
4 Recall Proponents and Opponents). A person or group of persons who raises or spends
5 more than \$1,000 for a recall attempt qualifies as a “committee” under Government Code
6 section 82013 when the target officer is served with a notice of intent to recall pursuant to
7 Elections Code section 11021. Once the notice of intent to recall is given, the committee
8 must report on its first campaign statement all contributions received and expenditures
9 made for the purpose of influencing the electorate to sign a recall petition or to vote for or
10 against a recall election, regardless of when the contributions were received or
11 expenditures were made. A committee primarily formed to support or oppose the recall
12 of an elected officer must identify in the committee name, the name of the elected officer
13 and whether the committee is in support of or opposition to the recall.

14 COMMENT: Committees active in a recall must file all campaign reports required
15 by Chapters 4 and 5 of the Act. These reports include the following: the target officer,
16 committees primarily formed to support or oppose a recall measure, and the replacement
17 candidates must all file the semi-annual campaign reports and two pre-election reports
18 preceding the recall election, required by Government Code sections 84200 and 84200.5,
19 84200.7 or 84200.8. In addition, committees primarily formed to support or oppose a
20 recall measure, including a separate committee established by a target officer to oppose a
21 recall measure, must file quarterly campaign reports required by Government Code
22 section 84202.3. For recalls of an elected state officer, the electronic reports required by
23 Government Code section 85309 must be also filed.

1 In addition, pursuant to Government Code sections 81013 and 81009.5, nothing in
2 the Act prevents a local jurisdiction from adopting a local ordinance with additional or
3 different requirements applicable to candidates or committees involved in recall elections
4 in that jurisdiction, including applying contribution limits to all candidates and
5 committees participating in the recall, so long as the local ordinance does not prevent the
6 persons from complying with the Political Reform Act.

7 NOTE: Authority cited: Section 83112, Government Code.

8 Reference: Sections 82007, 82043, 84107, 84211, 85200 [85301, 85302] and 85315,
9 Government Code.

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